**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF TEXAS**
**HOUSTON DIVISION**

| | | |
|---|---|---|
| **MINH LE-BA** | § | |
| **Plaintiff,** | § | |
| | § | |
| **V.** | § | **CIVIL ACTION NO_____** |
| | § | |
| **UNITED PROPERTY & CASUALTY** | § | |
| **INSURANCE COMPANY,** | § | |
| **Defendant.** | § | |

**DEFENDANT UNITED PROPERTY AND CASUALTY INSURANCE COMPANY'S**
**NOTICE OF REMOVAL**

Defendant United Property and Casualty Insurance Company ("UPC") files this Notice of

Removal:

**I.        Background**

1.        On November 1, 2016, Plaintiff Minh Le-Ba ("Plaintiff") filed this lawsuit in Fort

Bend County, Texas, against United Property & Casualty Insurance Company.

2.        Plaintiff served UPC with a copy of the Petition on November 8, 2016.

3.        UPC files this notice of removal within 30 days of receiving Plaintiff's initial

pleading.  *See* 28 U.S.C. § 1446(b).  In addition, this Notice of Removal is being filed within one

year of the commencement of this action.  *See id.*

4.        As required by Local Rule 81 and 28 U.S.C. § 1446(a), simultaneously with the

filing of this notice of removal, attached hereto as Exhibit "A" is an index of matters being filed.

A copy of the Docket Sheet is attached as Exhibit "B."  A copy of Plaintiff's Original Petition is

attached as Exhibit "C," and a copy of the Request for Process issued to UPC is attached as

Exhibit "D." A copy of the Civil Case Information Sheet is attached hereto as Exhibit "E."  A

copy of the Citation and Return of Service is attached as Exhibit "F," and a copy of UPC's

Original Answer to Plaintiff's Original Petition is attached as Exhibit "G."  The List of Counsel

**DEFENDANT UNITED PROPERTY AND CASUALTY INSURANCE COMPANY'S NOTICE OF REMOVAL – Page 1**

and Parties to the Case is attached as Exhibit "H."  A copy of this Notice is also being filed with

the state court and served upon the Plaintiff.

5.      Venue is proper in this Court under 28 U.S.C. § 1441(a) because this district and

division embrace Fort Bend County, Texas, the place where the removed action has been

pending.

## II.      Basis for Removal

6.      Removal is proper based on diversity of citizenship under 28 U.S.C. §§ 1332(a),

1441(a) and 1446. This is a civil action between citizens of different states, and the amount in

controversy exceeds the sum of $75,000.00, exclusive of interest and costs.

## A.      The Proper Parties Are Of Diverse Citizenship.

7.      Plaintiff is, and was at the time the lawsuit was filed, a resident and citizen of

Texas.

8.      UPC was at the time this action was commenced, and still is, a foreign (Florida)

property and casualty insurance company authorized to do business in the State of Texas. UPC is

organized under Chapter 982 of the Texas Insurance Code.

9.      Because Plaintiff is a citizen of Texas and Defendant UPC is a citizen of Florida,

complete diversity of citizenship exists among the parties.

## B.      The Amount in Controversy Exceeds $75,000.00.

10.      This is a civil action in which the amount in controversy exceeds $75,000.00.

Plaintiff's Petition expressly alleges that "Plaintiff currently seeks monetary relief over $100,000

but not more than $200,000." *See* Exhibit C § 4.

### III.     Conclusion and Prayer

11.     Accordingly, all requirements are met for removal under 28 U.S.C. §§ 1332 and

1441.  UPC hereby removes this case to this Court for trial and determination.

Respectfully submitted,

/s/ Rhonda J. Thompson
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**COUNSEL FOR DEFENDANT**
**UNITED PROPERTY & CASUALTY**
**INSURANCE COMPANY**


### CERTIFICATE OF SERVICE

This is to certify that on the 8th day of December, 2016, a true and correct copy of the foregoing was delivered to the following counsel of record by electronic service and/or facsimile transmission and/or certified mail, return receipt requested:

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/s/ Rhonda J. Thompson
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